



State of Indiana
Indiana Department of
Correction

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04-03-103

**POLICY AND ADMINISTRATIVE
PROCEDURES
Manual of Policies and Procedures**

Title

**INFORMATION AND STANDARDS OF CONDUCT FOR DEPARTMENTAL
STAFF**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-15-2.2 <i>et seq.</i>		ACA Standards 4-4024, 4-4056, 4-4063, 4-4065, 4-4069, 4-4070, 4-4071, 4-4429, 3A-02, 3A-03, 4C-22, 4C-31, 6C-02, 6C-07, 6C-12, 6D-01, 6D-03, 6D-04, 6D-08, 6D-09, 6G-06
IC 36-1-20.2	00-00-101 04-03-106	
11-8-2-5(a)(8)	00-01-103 04-03-108	
IC 11-8-2-8	00-04-101 04-03-109	
IC 35-44.1 <i>et seq.</i>	02-01-109 04-03-110	
IC 35-44.2 <i>et seq.</i>	04-03-101 04-06-101	
IC 35-48-2-1 <i>et seq.</i>	04-03-102 04-06-103	
42 IAC 1-1 <i>et seq.</i>		

I. PURPOSE:

The purpose of this policy and its administrative procedures is to provide information to staff and to any person providing service to Indiana Department of Correction regarding employment with the Department of Correction or with another entity while stationed at a Department of Correction facility and to establish standards of conduct for all Department of Correction staff to ensure professional conduct while performing assigned duties. This is to be used as a resource summarizing the personnel policies and procedures for the employment relations between the state and its employees. It is not a contract of employment, does not create any such contractual obligations for the state or the Department of Correction, and does not abridge any rights contrary to the provisions of the state Civil Service System, Indiana Code 4-15-2.2 or other applicable laws. Unless otherwise covered by the provisions of Indiana Code 4-15-2.2-21 concerning the state classified service or other applicable statute, all state employees are employed at will and may be dismissed, demoted, disciplined or transferred for any reason that does not contravene public policy.

II. POLICY STATEMENT:

The Department of Correction shall ensure that staff is provided information about employment with the Department, including benefits, standards of conduct, and other relevant information.

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In order for Department staff to carry out assigned duties in the most efficient and professional manner, staff must be fully informed of their individual duties and responsibilities, provided with adequate administrative and supervisory direction, informed of their performance levels, and treated with dignity and respect at all times.

Staff members are expected to acquaint themselves with all applicable Policies and Administrative Procedures, to render honest and efficient performance of duty, and to be responsible for adherence to the standards of conduct and all governing statutes, Department Policies, Procedures, Directives, and rules.

The rules and requirements set forth in this document apply to all Department staff, contractors, and volunteers.

The State of Indiana and the Department of Correction reserves the right to withdraw or change the policies, benefits and programs described in this policy at any time at the sole discretion of the State of Indiana and the Department of Correction. While the state and the Department will make every effort to notify employees of these changes, employees are responsible for keeping up-to-date on the state's policies, benefits and programs.

III. DEFINITIONS:

For the purpose of these Administrative Procedures, the following definitions are presented:

- A. **APPOINTING AUTHORITY:** The Commissioner of the Department of Correction who has the power by law or by lawfully delegated authority to make appointment to positions in the Department, and to take other lawful actions as are necessary for the operation of the Department. The Commissioner has delegated, verbally or in writing, these powers and duties to, but not limited to, the following individuals, who are referred to throughout this document as a facility appointing authority or designee:
 1. The Superintendent for a facility housing offenders;
 2. The Parole District Supervisor for the district parole office;
 3. The Director of Staff Development Emergency Operations for the Correctional Training Institute; and,
 4. The Director of PEN Products for PEN Products.

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- B. **BUSINESS DAY:** Monday through Friday, excluding weekends, holidays and emergency days declared in writing by the State of Indiana or the facility appointing authority or designee.
- C. **CHEMICAL TEST:** Analysis of breath, urine, or other bodily substance for the presence of intoxicants.
- D. **COMMISSIONER:** The Commissioner of the Indiana Department of Correction.
- E. **COMMITTED:** Placed under the custody or made a ward of the Department, including being placed under parole supervision or being placed in a minimum security assignment, including an assignment to a community transition program.
- F. **CONTROLLED SUBSTANCE:** A drug, substance, or immediate precursor listed in IC 35-48-1, *et seq.* The Indiana State Personnel Department policy on drug testing defines controlled substance as: Controlled Substance – The meaning assigned by 21 U.S.C. 802 and includes all substances listed on schedules I through V as they may be revised from time to time (21 CFR 1308 and 21 USC 812). In most circumstances, employees will be tested for the following controlled substances: Amphetamines, Cocaine, Marijuana, Opiates, and Phencyclidine (PCP).
- G. **DEPARTMENT:** The Indiana Department of Correction.
- H. **DISCHARGE:** The termination of a commitment to the Department.
- I. **DISCIPLINARY ACTION:** The administration of a systematic, objective, and non-discriminatory process of corrective measures to a staff person for the purpose of enhancing the staff person's behavior.
- J. **ELECTRONIC DEVICES:** Any device not including a watch that uses electricity or could be made to use electricity. Watches that do more than illustrate time are considered an electronic device.
- K. **FACILITY:** Any physical location or area owned, controlled, operated, managed, or used by the Department or controlled by organizations that have contracted with the Department to house or supervise an offender,

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including all physical locations or areas inside and outside such a location. This includes all correctional facilities (including contractual), Central Office Administration, Parole District Offices, and PEN Products.

- L. **FRATERNIZATION:** Contact with another beyond that which is necessary to complete the assigned job responsibilities:
 - 1. Fraternalization between staff and offenders includes any contact between a staff person and an offender, of either sex, beyond that necessary to carry out the staff person's job responsibilities, including, but not limited to: romantic relationships; sexual activities; having an offender work or provide any type of services to a staff person not approved in accordance with Policy 04-06-102; living with an offender; gossiping with an offender about other staff or offenders; having contact with an offender's family beyond that necessary to carry out assigned duties.
 - 2. Fraternalization between staff persons includes contact which is inappropriate in the work place or which can be construed as having a negative impact on the operation of the department, including but not limited to a romantic or sexual relationship between a supervisor and subordinate.
- M. **INCARCERATED OFFENDER:** An offender committed to the Department and housed in a facility either operated by the Department or with which the Department has a contract.
- N. **INSUBORDINATE BEHAVIOR:** The showing, demonstrating, or engaging in an act of contempt, disrespect, or disobedience for the Department or any person of authority in the Department through physical, verbal, written, or any other type of conduct.
- O. **INSUBORDINATION:** A willful act on the part of a staff person to disobey or ignore a State and/or Department standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment.
- P. **INTOXICANTS:** Any biological matter or chemical substance utilized to produce a state of intoxication, including, but not limited to, alcohol and controlled substances.

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- Q. **MISCONDUCT:** Behavior by a staff person which violates a standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, performance expectation, or condition of employment of the State and/or the Department.
- R. **OFFENDER:** An adult or juvenile person committed to the Department and housed or supervised in a facility either operated by the Department or with which the Department has a contract, including an adult or juvenile under parole supervision; under county probation supervision following a commitment to the Department; in a minimum security assignment, including an assignment to a Community Transition Program (CTP); or who has been discharged from a commitment to the Department, parole supervision, or county probation supervision following a commitment to the Department within the preceding 365 days.
- S. **PAROLE:** The administrative conditional release of an offender from a facility prior to the expiration of the sentence.
- T. **PHYSICAL CONFINES:** All physical locations and areas inside or outside of any facility owned, controlled, operated, managed, or used by the Department.
- U. **PROBATION:** A procedure whereby a defendant found guilty of a crime is released by the court, subject to conditions imposed by the court, under the supervision of a probation officer and/or the court.
- V. **REASONABLE SUSPICION:** Information or knowledge which is sufficient to induce a prudent and cautious person to believe that an action or violation may have occurred. This definition is not intended to encompass the Reasonable Suspicion test as it pertains to the State's policy on Drug and Alcohol Testing available at http://www.in.gov/spd/files/datp_rp.pdf.
- W. **STAFF OR STAFF PERSON:** Any and all persons employed by the Department, including contractors and volunteers.
- X. **THEFT:** Knowingly or intentionally exerting unauthorized control over property of another person.

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- Y. TOBACCO PRODUCT: Any item that contains tobacco (e.g., cigarettes, cigars, snuff, chewing tobacco, etc.) or any substance that is specifically designed to be used as a substitute for tobacco (e.g., cabbage cigarettes, non-tobacco snuff or cigarettes and cigars, etc.), not including products that are to be used in the cessation of smoking or the use of tobacco (e.g., nicotine gum, patch, etc.).

IV. INTRODUCTION:

The vision, mission and goals of the Department of Correction can only be achieved by the combined efforts of staff. Each staff person is a necessary and vital part of the whole without which the Department cannot achieve its purpose. In an effort to meet the needs of staff and the Department, this policy and its administrative procedures have been created. This Policy and its Administrative Procedures are a resource for staff to obtain information necessary to perform effectively and efficiently in their respective assignments.

As this Policy and its procedures are read, staff is to keep in mind that the Department relies on its staff to obtain and maintain the knowledge and information necessary to complete all job assignments. This Policy and its Administrative Procedures will offer staff the opportunity to obtain that knowledge.

V. RESPONSIBILITIES

A. DEPARTMENTAL

The Department shall ensure that a copy of this and all other policies and procedures are available to staff through the facility policy coordinator and supervisory staff. This Policy and Administrative Procedure shall be presented to all Departmental staff in new employee orientation at each facility.

It is the intent of the Department that this Policy and its Administrative Procedures present a basic understanding of the requirements for employment with the Department and the State of Indiana. The information in these procedures is not all inclusive. The Department reserves the right to change any of the provisions in this Policy and Administrative Procedures and shall notify staff of such changes.

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B. STAFF

Each staff person is responsible for familiarity with and adherence to this and all other State policies and procedures. Compliance with the standards in this Policy and Administrative procedures is the responsibility of each staff person. A staff person engaging in misconduct or otherwise violating the standards in these Administrative Procedures may be subject to disciplinary action, up to and including dismissal.

VI. CODE OF ETHICS:

As positions with state service are a public trust, staff is to serve the public efficiently and effectively, consistent with applicable laws and State and/or Department standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment. A staff person shall be aware of and comply with the State Ethics Code found at the Office of the Inspector General's website located at <http://www.in.gov/ig/2336.htm>.

The Indiana Department of Correction is committed to a code of ethics that guides staff persons in their performance, conduct and behavior while serving in the criminal justice field. This code ensures that professionalism is reflected in the operation and activities of the Department and its staff.

By following the Department of Correction Code of Ethics, staff shall ensure that the Department operates in a professional manner. Staff shall adhere to the following principles.

- A. I shall maintain high standards of honesty, integrity and impartiality free from any personal considerations, favoritism or partisan demands in connection with my duties.
- B. I shall be courteous, considerate and prompt when dealing with the public, realizing that as state employees and employees of the Department, we serve the public.
- C. I shall maintain mutual respect and professional cooperation in my relationships with other staff of the Department of Correction.
- D. I shall be firm, fair and consistent in the performance of my duties and shall not allow my personal convictions, beliefs, prejudices, or biases to interfere with my official acts or decisions.

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- E. I shall uphold the provisions of the United States Constitution, the Constitution of the State of Indiana, federal and state laws, rules and regulations and the policies and procedures of the Department.
- F. I shall conduct myself, whether on-duty or off-duty, in a manner that will not bring dishonor or disrepute to the Department or the State of Indiana.
- G. I shall maintain the confidentiality of any information entrusted to me and designated as confidential.
- H. I shall not use my position with the Department for personal gain.
- I. I shall not discriminate against any person, including offenders, other staff persons, or the public, in any manner on the basis of race, color, creed, religion, sex, national origin, gender, sexual orientation or gender identity, physical or mental disability.
- J. I shall not accept nor solicit, from anyone including offenders and/or offender families or acquaintances, anything of value, including a gift, gratuity, favor, entertainment or loan, which is or may appear to be designed to influence any official conduct.
- K. I shall maintain the highest standards of personal hygiene, grooming and neatness while on-duty or when representing the Department in any manner.
- L. I shall report any corrupt or unethical behavior that could impact upon the operation of the Department.

A staff person, who has a question regarding certain behavior that may violate an ethics rule or law, is strongly encouraged to contact the Indiana State Ethics Commission and seek an advisory opinion before engaging in the behavior. Information on how to seek an advisory opinion by the State Ethics Commission can be at found at the Office of the Inspector General's website located at the following link: <http://www.in.gov/ig/2336.htm>.

VII. GENERAL INFORMATION:

- A. The Department of Correction is fully committed to compliance with the State's Affirmative Action statement which is located at the following link http://www.in.gov/spd/files/gov_policy.pdf.

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B. PREVENTION OF WORKPLACE VIOLENCE

The Department of Correction is fully committed to the State's policy on the Prevention of Workplace Violence which is located at the following link: <http://www.in.gov/spd/2409.htm>

C. PUBLIC STATEMENTS AND TESTIMONIALS

Staff are not to make public comments, speeches or statements, address public gatherings, appear on radio, television, the internet or any other medium, prepare any articles for publication to the media as representatives of the Department without the approval of the facility appointing authority or designee. This includes comments made on the internet when the staff person identifies him/herself or makes reference to him/herself as an employee of the Department of Correction. If a staff person is requested to make comments or speeches, the staff person is to advise his/her immediate supervisor of the request. The supervisor may refer the employee to the facility's Public Information Officer or to the Department's Chief Communications Officer for additional assistance in the preparation of the comments or speeches.

Staff shall not authorize the use of their name, photograph, or official title, which identifies the staff person as a staff person of the Department, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the facility appointing authority or designee.

Staff is to refrain from engaging in public criticism of the State and/or the Department, its standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, conditions of employment, or other staff persons. Additionally, staff is not to use defamatory, obscene, or language that may negatively impact the operation of the Department, offenders, other staff persons, or the public or which may interfere with the ability of an appointing authority or designee to maintain discipline. If a staff person has a complaint about the State or the Department, the staff person is to use approved methods of resolving complaints, such as making a report to the appropriate supervisor in the employee's chain of command or using the employee complaint procedure, in order to resolve any issue.

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D. IDENTIFICATION

All staff of the Department of Correction shall be issued an official identification. A staff person shall possess on their person this Department identification at all times while the staff person is on-duty or is representing the Department. The identification shall remain the property of the Department and shall be furnished or returned to the Department upon request in a timely and respectful manner.

If the Department identification is lost or stolen, damaged or destroyed, the staff person shall immediately report to the facility appointing authority or designee the circumstances surrounding the loss of the identification. The staff person may be charged to replace a lost, stolen, destroyed or damaged (excluding normal wear and tear) identification.

Staff shall not duplicate or procure Department badges, identification, insignia, uniforms, or any other type of Department identification without the prior written authorization of the facility appointing authority or designee, nor shall staff possess unauthorized badges, identification, insignia, uniforms, or any other type of unauthorized identification at any time.

Staff shall not use Department identification for personal or financial gain, for obtaining anything of substantial value, for the private benefit of the staff person, their family, or friends, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts.

Staff shall return all Department badges, identification, insignia, uniforms, or any other type of Department identification when they retire, resign, or otherwise leave the Department. Also, if a staff person is suspended, dismissed or otherwise absent from work, the staff person shall return all such items when ordered to do so. Staff, including former staff persons, shall be responsible for all costs of litigation, including attorney fees, if the Department or the State institutes legal action for the recovery of Department and/or State badges, identification, insignia, uniforms, or any other type of Department and/or State identification.

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E. DISCIPLINE

A staff person who violates a State and/or Department standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment may be subject to disciplinary action, up to and including dismissal, in accordance with IC 4-15-2.2-24 which states, “An employee in the unclassified service is an employee at will and serves at the pleasure of the employee’s appointing authority, and may be dismissed, demoted, disciplined or transferred for any reason that does not contravene public policy.”

Dismissal shall be the presumptive disciplinary sanction for a staff person that violates the Department’s sexual abuse or sexual harassment policies.

For further information, staff may contact their Human Resources Office or the State Personnel Department, Employee Relations Division.

F. EMPLOYEE COMPLAINT PROCEDURE

All Department employees are eligible to use the complaint procedure established in the State Civil Service Act (IC 4-15-2.2-42).

For further information on the Civil Service Complaint process, please refer to the following link: <http://www.in.gov/spd/2399.htm>

G. EMPLOYEE LEAVE TIME

The Indiana Department of Correction fully supports the State Personnel Department’s leave policies available at www.in.gov/spd. The policies found there govern the use of leave time for employees of the Department of Correction.

VIII. EMPLOYMENT REQUIREMENTS:

A. BACKGROUND CHECKS

All persons recommended for hire in the Department shall undergo a thorough background check (e.g., criminal history background check, including a driver’s license check and fingerprinting, sex offender registry check, employment verification, educational verification, license verification, and in appropriate cases Children Protective Services check,

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DIANA® screen, in limited cases, credit history check, or any screen or check deemed necessary by the facility appointing authority or designee). Additionally, criminal history background checks, including driver's license checks and fingerprinting, shall be conducted on all volunteers, interns, and persons working in the Department on contract who have direct contact with offenders. Also, any other persons who will have routine access in Department facilities or contact with offenders or offender information as a normal part of their duties shall submit to a criminal history background check, including a driver's license check and fingerprinting. It is at the discretion of the facility appointing authority or designee to conduct the above background check requirements on any non-staff person who has contact with the Department (e.g. outside repair personnel).

Subsequent criminal history background checks shall be completed at least every four (4) years on current employees, contractors, and volunteers who may have contact with offenders.

The Department shall not hire or promote an individual to a position that may have contact with offenders who:

1. Has engaged in sexual abuse in a correctional facility, including prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or,
3. Has been civilly or administratively adjudicated to have engaged in the activities addressed in numbers 1 and 2 above.

In order to receive an offer of employment, promotion, demotion or transfer into a position with the Department of Correction, a person must complete and sign State Form 51334, AUTHORIZATION TO RELEASE INFORMATION, and sign State Form 8637, AUTHORIZATION FOR RELEASE OF EMPLOYMENT RECORD and CRIMINAL HISTORY CHECK form during the interview process. The forms will be part of the application process and will allow the agency to research information concerning a person's personal history, including but not limited to, criminal law violations, education records, employment history/records,

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professional licenses, etc. A refusal to sign these releases shall eliminate the applicant from further consideration for the position.

During the interview portion of the hiring, promotion, demotion, or transfer process all applicants/employees who may have contact with offenders shall be asked, in written applications or in-person interviews, about any previous substantiated incidents of sexual misconduct or sexual harassment. Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination of employment.

All current staff shall be subject to criminal history, driver's license checks and other appropriate checks.

All persons selected for employment, promotion, demotion or transfer within the Department shall be subject to the following checks:

- **Criminal History Background Check:** In order to ensure the safety and security of the Department, it is necessary for the Department to be aware of any persons who have a history of criminal behavior. Certain criminal convictions, such as those resulting in the person not being able to possess or use a firearm, may restrict a person from being assigned to certain positions, such as not being able to possess or use a firearm due to a criminal conviction. Once the criminal history background check has been completed, the results of the check shall be stamped "CONFIDENTIAL." Only those staff persons designated by the facility appointing authority or designee shall be granted access to these records.
- **Fingerprinting:** In addition to completing the "Criminal History Check" form, all persons subject to such a check shall submit a completed fingerprint card. Fingerprints shall be taken using the standard "Federal Bureau of Investigation, United States Department of Justice Applicant Fingerprint" card. Each facility shall ensure that procedures are in place to have suitable fingerprints taken. If the fingerprints cannot be taken at the facility, the facility shall make arrangements to have the fingerprints taken at a location as near the facility as possible. The staff person responsible for ensuring completion of the criminal history background check shall be responsible for ensuring the completion and submission of the fingerprint card. All applicant fingerprint cards are to be submitted to

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the Indiana State Police for processing. Only those persons designated by the facility appointing authority or designee shall have access to the fingerprint cards.

In those cases where the results of a criminal history background and/or fingerprint check determines that the person has a criminal history or some other concern arises with the person's application, the designated staff person shall notify the facility appointing authority or designee immediately. The subject of the check shall be advised as to the results of the check. The facility appointing authority or designee shall determine what action needs to be taken based upon the results received. The possible actions range from an explanation regarding the results to termination from employment, contract or volunteer/intern status. In any case, the person shall not be permitted to return to work until the matter is resolved.

- Sex Offender Registry check: Sex Offender Registry checks shall be conducted on all persons selected for employment, promotion, demotion or transfer with the Department. Designated staff shall check the Indiana Sex and Violent Offender Directory database, which is accessible on the internet, to determine whether the subject is registered as a sex offender. Prior sex offenses may limit the person from being hired for certain positions within the Department.
- Employment Verification & Past Employment Verifications: The Employment Verification and past employment verification shall be conducted to ensure that the applicant actually worked at the employer(s) listed on the application/resume. Facilities shall verify all positions listed on the application/resume that qualifies the applicant for the position sought. Additionally, all employment during a period of at least seven (7) years immediately preceding application must be verified for applicants who are not currently employed by the Department. The verifications shall include dates of employment, reasons for leaving, and an explanation for any period of unemployment. Past employment verifications should be conducted by interviewing the applicant's past supervisors. Any information received during the employment verification process shall be documented in writing, including the name of the individual providing the information, date, time and response. If the employer provides no response, that also must be documented.

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Employment verifications, past employment verifications, educational verifications and license verifications shall be performed by either the facility's Human Resources Department or the hiring manager.

B. CHAIN OF COMMAND

In order to ensure proper morale and discipline, it is essential that staff recognize the lines of authority within the facility to which the staff person is assigned. Staff must know his/her immediate supervisor so that work-related questions or problems can be discussed with the proper person. Immediate supervisors are to assist staff in resolving questions or problems before it is necessary to take them to a higher level.

C. TRAINING

Staff is encouraged to participate in any training that will assist them in the performance of their duties. Consideration will be given to any request for training; however, fiscal constraints and security issues may result in denials of some requests.

Staff will be required to participate in any mandatory in-service training programs as directed by their supervisor. When work schedules permit, staff may attend in-service training programs during regular working hours. Overtime-eligible staff persons must have prior approval from the facility appointing authority, or designee, prior to training that will result in overtime

D. ADDRESS AND TELEPHONE

Each staff person must provide his/her facility with a current address and telephone number through which they may be contacted during off-duty hours. Changes of address or telephone number shall be reported to the supervisor, payroll and to the facility personnel office as soon as the new information is available. Failure to provide address and/or telephone number changes within five (5) business days may result in disciplinary action, up to and including dismissal. Each staff person is also responsible for updating their personal information using the PeopleSoft® application.

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E. EMERGENCY NOTIFICATION

Each staff person shall provide his/her facility with the name and contact information (telephone number, address, cell phone number, etc.) of a person to be contacted in case of an emergency situation involving the staff person. Staff shall be required to update this information as necessary and at least annually. Failure to provide emergency notification contact name and contact number changes within five (5) business days may result in disciplinary action, up to and including dismissal.

F. STAFF GUESTS

Staff wishing to bring guests to the facility must obtain permission from the facility appointing authority or designee prior to the visit. Guests shall be required to abide by the rules for all visitors. Staff shall not be relieved from their assigned duties to escort a guest without prior approval from the facility appointing authority or designee.

G. DRUG FREE WORKPLACE/USE OF INTOXICANTS

The Department of Correction fully supports the State's policy on a Drug and Alcohol Free Workplace. (<http://www.in.gov/spd/files/dafw.pdf>)

A priority of the State of Indiana is the health and safety of state employees, their clients, and the public. The use of illegal drugs by employees, on or off duty, will not be tolerated.

No employee shall report for duty, remain on duty, or operate a state vehicle while having any measurable amount of alcohol in his/her system (which for enforcement purposes is defined as .02) or while having any measurable trace of a controlled substance in his/her system for which the employee does not have an authorized prescription.

All staff who have direct contact with offenders in a facility or who are required to possess a Commercial Driver's License (CDL) in the performance of their duties shall be required to participate in random and other tests for alcohol and controlled substances in accordance with federal and state law and policy. Failure to provide a suitable sample for such a test or failure to report for such a test when so instructed shall result in disciplinary action up to and including dismissal.

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As a condition of employment, staff shall consent to a chemical test upon request. Such request shall be based on a reasonable suspicion that the employee has used intoxicants, or due to the nature of certain job assignments. Refusal to submit to a chemical test upon request will be considered insubordination and grounds for disciplinary action, up to and including dismissal.

If a staff person has been prescribed any medication that may have an intoxicating effect, the staff person is to notify and acquire the written permission of the facility appointing authority or designee or designee prior to being under the influence of or otherwise taking the medication while on-duty. Please refer to Policy 02-03-103, "Facility Entrance/Exit Procedures," for more information on bringing medication into a facility.

Staff who believe that they have an intoxicant abuse problem are advised to contact the State of Indiana employee assistance program (EASY at 1-800-223-7723) or the facility's Human Resources staff who can refer them to this program. Staff persons with a dependence on intoxicants may self-report and qualify for a leave of absence for treatment indicated by a medical or substance abuse professional or ordered by a judge. Such leave may qualify for coverage as family medical leave, and the request/approval process for that leave must be followed.

For further information please refer to the State Personnel Department's (SPD) Drug/Alcohol Testing Policy and Family Medical Leave Policy, found on the SPD's website at <http://www.in.gov/spd/2396.htm> or contact either the immediate supervisor or the facility's Human Resources staff.

Staff shall not manufacture, distribute, dispense, possess, use, or be under the influence of any intoxicant within the physical confines of any facility, or while representing the Department or while on-duty.

H. DRESS AND GROOMING

Staff is empowered to carry out the mission and goals of the Department. To achieve these goals, a high degree of contact with members of the general public may be required. Whether interacting with legislators, judges, news media, offender families, or offenders themselves, quite often the image staff project will be the image of the Department that those people retain. In addition to contact with the general public, staff who have daily or even occasional interaction with offenders should strive to present a professional image in order to serve as a role model for the

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offender population. Therefore, all staff is expected to report to work appropriately dressed and groomed and prepared to begin their respective assignments.

Uniformed staff may refer to Policy 02-03-104, “Dress Standards for Uniformed Staff,” and non-uniformed staff may refer to Policy 04-03-110, “Dress Standards for Department of Correction Non-Uniformed Staff,” to address questions regarding the appropriate dress standards. Additionally, all staff may refer to Policy 04-03-109, “Grooming Standards for Department of Correction Staff,” for questions regarding the appropriate grooming standards.

I. MANDATORY OVERTIME AND/OR OVERTIME ASSIGNMENTS

Due to the need to provide twenty-four (24) hour security in Department facilities, staff may be required to work overtime. Failure to work such mandatory overtime or overtime for which the staff person has volunteered may result in disciplinary action.

For further information on overtime, please refer to the State’s Policy found at <http://www.in.gov/spd/files/overrandp.pdf>.

J. USE OF EQUIPMENT AND FIREARMS

Staff shall not bring personally-owned equipment (including electronic devices), firearms, ammunition, or chemical agents into or onto Department facilities without the written approval of the facility appointing authority or designee. The only weapons to be used while on-duty are those weapons authorized and provided by the Department or facility. Staff must be trained and certified in the use of any weapon which they are authorized to use.

For further information on firearms and chemical agents, refer to Policy 02-01-113, “The Certification and Use of Firearms and Chemical Agents.”

Additionally, staff shall not bring into the facility personally-owned restraint equipment, including handcuffs, handcuff keys, waist chains, etc. All necessary restraint equipment will be provided by the Department or

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the facility. For further information, refer to Policy 02-01-112, “The Use of Restraint Equipment” and/or Policy 03-02-108, “The Use of Restraint Equipment with Juveniles.”

Staff shall be properly trained and authorized in the use of any Department weapon or equipment before the use of any such weapon or equipment. Staff shall carry and use Department weapons and other equipment only in accordance with law and established Department procedures. Staff shall not use or handle Department weapons or equipment without proper training and authorization nor shall staff use or handle Department weapons and equipment in a careless or imprudent manner.

Staff shall not duplicate or procure Department weapons or keys, or any other type of Department property, equipment, or resources without the prior written authorization of the facility appointing authority or designee, nor shall a staff person possess unauthorized weapons or keys or any other type of property, equipment, or resources at any time.

Staff shall return all Department and/or State weapons and keys, or any other type of property, equipment, or resource when they retire, resign, or otherwise leave the Department, and they shall return all property, equipment, and resources when ordered to do so because of suspension, dismissal, or other absence from work. A staff person or former staff persons shall be responsible for all costs of litigation, including attorney fees, if the Department or the State institutes legal action for the recovery of Department and/or State property, equipment, resources, or the replacement or repair costs thereof.

For further information on firearms and chemical agents, refer to Policy 02-01-113, “The Certification and Use of Firearms and Chemical Agents.” For further information on restraint equipment, refer to Policy 02-01-112, “The Use of Restraint Equipment” and/or Policy 03-02-108, “The use of Restraint Equipment with Juveniles.” For further information regarding the use and possession of Department keys, refer to Policy 02-03-106, “Key Control.” For further information on the use and possession of Department tools, refer to Policy 02-03-107, “Tool Control.”

IX. STANDARDS OF CONDUCT:

This section sets forth Standards of Conduct which describe expectations of conduct, both on-duty and off-duty, for a staff person of the Department. All staff persons are expected to conduct themselves in a manner which does not reflect

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negatively on the Department and must avoid any conduct which would negatively impact on the proper performance of their duties.

These Standards are not intended to be an exhaustive and comprehensive list of all conduct prohibited or required by the Department. A staff person may be disciplined for any act of misconduct regardless of whether the misconduct is or is not specifically identified in these Standards of Conduct.

These Standards of Conduct are not intended to limit the authority of the Department to adopt and enforce rules and procedures that are more stringent or comprehensive than those that are contained in this document.

The right and authority to interpret, define, set forth, and/or clarify the meaning of the Standards of Conduct or of any word, phrase, term, sentence, or provision herein, or of any other rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the Department is the sole and exclusive right and authority of the Commissioner or the Commissioner's designee.

It is the responsibility of each staff person to be knowledgeable of and to strictly adhere to the Standards of Conduct and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department. If a staff person is confused by or has a question relating to the meaning or application of a standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the of the State and/or the Department, the staff person is required to ask his/her immediate supervisor or the facility's Human Resources staff as to the meaning of or application of the standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the State and/or the Department.

A staff person who violates a standard of conduct rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment of the State and/or the Department will be subject to disciplinary action.

A. SOLICITATION AND SELLING ON DEPARTMENT PROPERTY

Solicitation of staff for funds, membership or individual commitment to outside organizations or causes within any facility or the physical confines of a facility during the staff person's working hours shall be permitted

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only with the prior written approval of the facility appointing authority or designee. Such approval shall be granted only if the activity does not disrupt the security or efficiency of the facility.

Staff shall not supplement any state salary through activities engaged in the physical confines of the facility, such as selling items for profit, collecting commissions, owning or operating concessions, rendering service to other staff, offenders or the public. With the approval of the facility appointing authority or designee, staff may sell items for not-for-profit organizations, such as schools or the Girl Scouts, in the facility. In such cases, the staff person must ensure that the ordering and delivery of any items sold is not done during their or other staff persons' working hours and that these activities do not interfere with the operation of the facility.

With the approval of a facility appointing authority or designee, staff may be allowed to post items for sale on a bulletin board, either electronic or otherwise. If such a bulletin board is approved, staff shall indicate that he/she may be contacted at home during off-duty hours. In such cases, the staff person must ensure that the posting, ordering, and delivery of any items are not done during working hours and that these activities do not interfere with the operation of a facility.

The facility appointing authority, or designee, has the authority to approve or deny postings, remove items for content, and ensure items are removed in a timely fashion.

B. TRAFFICKING

A staff person is strictly prohibited from giving any unauthorized physical object to an offender or receiving any unauthorized physical object from an offender without the prior authorization of the facility appointing authority or designee. A staff person who violates this Standard commits the act of trafficking and will be dismissed from employment.

For purposes of this Standard the term "physical object" is a thing having mass in the physical world regardless of the use, size, amount, value, or any other characteristics of the object. The term "physical object" includes written information including, but not limited to, correspondence or any document belonging to or addressing the subject of the State, the Department, an offender, a staff person, or the public.

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A staff person who engages in an act of trafficking engages in misconduct that directly threatens the safety and security of the Department, a facility, staff persons, offenders, and the public. This fact is true regardless of the frequency of the trafficking or the use, size, amount, value, or other characteristics of the trafficked physical object.

The Department does not consider any act of trafficking to be benevolent. Therefore, the Department will not accept benevolent intent as a defense to a disciplinary action for trafficking misconduct. If a staff person wishes to donate or give items to offenders, the staff person must acquire the prior written permission of the facility appointing authority or designee. Furthermore, the Department will not accept the fact that a staff person did not profit from an act of trafficking as a defense to any disciplinary action for trafficking misconduct.

The Indiana Code criminal provisions that prohibit trafficking with an offender are set forth below. The definitions of trafficking as set forth in the criminal code are slightly different from the definition set forth above. A staff person must strictly adhere to the prohibitions of behavior set forth in this Standard and in the Indiana Code provisions. A staff person engaging in behavior that violates this Standard or the Indiana Code provisions commits the act of trafficking, regardless of whether the staff person is arrested, prosecuted, or convicted.

The Indiana Code criminal provisions addressing trafficking are as follows: (<http://www.in.gov/legislative/ic/code/>)

IC 35-44.1-3-5 Trafficking with an inmate

IC 35-44.1-3-6 Trafficking with an inmate outside a facility

IC 7.1-5-10-16 Sale to inmate prohibited

C. CONTACT AND/OR RELATIONSHIPS WITH OFFENDERS

No staff person shall have any personal contact with an offender and/or the family or close friends of an offender beyond that necessary for the proper supervision and treatment of the offender, without prior approval by the Commissioner. If any unavoidable contact is made, such contact shall be reported to both the staff person's immediate supervisor and the facility appointing authority or designee as soon as possible, but no later than the staff person's next scheduled working day.

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Examples of inappropriate contact include, but are not limited to:

1. Living with or providing lodging for an offender, unless the offender is the staff person's parent, step-parent, child, step-child or where the offender and staff person were married prior to the offender's incarceration with the Department;
2. Entering into a marriage with an offender;
3. Offering an offender employment or employing an offender;
4. Carrying messages to or from an offender regardless of the source or content;
5. Social relationship of any type with an offender;
6. Visiting or corresponding with an offender, unless the offender is a relative and permission has been obtained from the staff person's facility appointing authority or designee and the facility appointing authority or designee of the facility where the offender is housed or supervised;
7. Physical contact beyond that which is routinely required by specific job duties (Sexual contact with an offender is not only strictly prohibited, but is also a criminal offense and may be prosecuted under IC 35-44.1-3-10);
8. Fraternalization with an offender.

Upon learning of the commitment to the Department of a friend or relative, staff must notify the facility appointing authority or designee, in writing, of such a relationship. New staff persons shall advise of the existence of such a relationship upon accepting employment with the Department or upon discovery if not known at the time of accepting employment. This notification shall include: the offender's name, DOC # (if known), relationship, facility where the offender is housed or supervised, and whether the staff person intends to maintain the relationship, including visiting or corresponding if the person is a family member. For purposes of this Standard, the word "relative" includes an ex-spouse, or any other person who by marriage or birth was related or is currently related to the staff person. A staff person must obtain prior written approval from the staff person's facility appointing authority or designee and the facility appointing authority or designee of the facility where the offender is housed or supervised before visiting, corresponding with, or in any way communicating with a friend or relative committed to the Department.

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Staff persons involved in a criminal investigation or trial that results in the commitment of a perpetrator to the Department shall be required to report that connection to the facility appointing authority or designee in writing. If appropriate, the facility appointing authority shall act in accordance with Policy 01-04-106, "Offender Monitoring Program," Section V, C.

D. INVESTIGATIONS AND DUTY TO REPORT

Staff shall cooperate fully in any Departmental investigation and any authorized investigation by an outside person or organization pertaining to Department business. Failure to cooperate with any investigation will result in disciplinary action, up to and including dismissal.

Staff shall answer questions, respond to lawful orders, or render material and relevant statements in an investigation. Staff shall not divulge the identity of persons giving confidential information except as authorized by proper authority. Staff shall not violate a confidentiality order or agreement issued to or agreed to by the staff person in the course of an investigation. Staff shall not interfere with, attempt to interfere with, or direct others to interfere with any investigation. Staff is strictly prohibited from engaging in false reporting or informing, and/or providing false statements or documents. False reporting or informing, and/or providing false statements or documents will result in disciplinary action, up to and including dismissal.

Staff persons have an affirmative duty to report violations of the Department's *Information and Standards of Conduct for Departmental Staff* or any other state or Departmental policy/procedure to the appropriate supervisor or facility appointing authority or designee. Should a facility appointing authority or designee be involved in the misconduct, staff shall report the violation to the Office of the Commissioner or the Director of Legal Services. All reports or violations must be made in a timely fashion and must be signed by the reporting party.

Staff shall not direct reprisals, intimidate or harass any person who has filed a report of misconduct or provided information in an investigative matter.

E. USE OF PHYSICAL FORCE

Use of physical force shall be governed by Policy 02-01-109, "The Use of Physical Force," for staff in adult facilities or supervising offenders on

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parole or Policy 03-02-109, "The Use of Physical Force in Juvenile Facilities," for staff working in juvenile facilities or supervising juveniles on parole. Staff shall use only the amount of force as reasonably necessary to perform his/her duties. Only the minimum amount of force, applied in compliance with Policy 02-01-109 or Policy 03-02-109, necessary to achieve the desired results will be employed. The use of force to intimidate, coerce, punish or extract revenge is strictly prohibited.

Any staff person involved in, or who is a witness to, a use of force incident shall provide a complete factual account of their actions and/or observations as required by Department policies and procedures. The incident report must be submitted to the shift supervisor or facility appointing authority or designee prior to the end of the shift on the day the incident occurs

F. USE OF TOBACCO

Most Department facilities have been declared "non-tobacco" areas except as otherwise identified below. No person is permitted to possess or use tobacco products while on these facility properties. This prohibition includes the possession or use of tobacco products and items related to tobacco use, such as cigarette lighters. The Commissioner may authorize certain facilities to allow tobacco products.

Staff shall not be permitted to use tobacco products when operating state-owned vehicles.

Staff found to possess or use tobacco products while on Department property shall be subject to disciplinary action.

This prohibition shall not pertain to staff members possessing tobacco in their personal-owned vehicles during on-duty hours.

G. INSUBORDINATION AND INSUBORDINATE BEHAVIOR

Staff is prohibited from showing, demonstrating, or engaging in an act of contempt, disrespect, or disobedience for the Department or any person of authority in the Department through physical, verbal, or written conduct. This Standard applies regardless of whether the act of insubordinate behavior was witnessed by the person of authority or by others, including staff persons, offenders, or the public.

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Staff shall strictly adhere to the *Information and Standards of Conduct* and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department without argument. Staff who knowingly fail to strictly adhere to the Standards of Conduct and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department engages in insubordination.

Staff is prohibited from refusing to obey a lawful job-related order from a superior. The refusal to obey lawful job-related orders from a superior constitutes insubordination. A staff person may request review of the order by a higher authority or facility appointing authority or designee only after the order is obeyed.

H. SEARCH OF STAFF AND PERSONAL PROPERTY

Staff, their personal property, and motor vehicles are subject to search upon entering a facility. Additionally, any work area is subject to search at any time. A staff person, when requested, ordered, or required to comply with a search of their person, personal property, motor vehicle, or work area, is strictly obligated to comply with such request, order, or requirement.

Searches of personal property or motor vehicles shall, if at all possible, be conducted in the presence of the staff person or designated representative. Searches of staff will generally be limited to metal detectors and other electronic devices, canine searches, and frisk searches. Staff may be ordered to remove their foot-wear and socks, empty and turn inside-out their pockets, and empty their wallets, purses, meal containers, or any other type of pocket or container in the possession of a staff person.

More intrusive searches of staff, such as strip searches, may be conducted if there is reasonable suspicion that a staff person is attempting to bring into or remove from a facility any contraband, or illegal, unauthorized, or prohibited property or information. Such a search shall be conducted by a same-gender staff person and only upon the authority of the facility appointing authority or designee.

If upon the search of a staff person, their personal property, motor vehicle, or work area, any contraband, or illegal, unauthorized, or prohibited

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property or information is discovered, the staff person will be subject to disciplinary action, up to and including dismissal. Staff refusing to submit to any type of search shall be denied entry to a facility and will be subject to disciplinary action, up to and including dismissal. For purposes of this Standard, a staff person who demonstrates behavior that appears to be intended to avoid submitting to a search (such as fleeing or otherwise abruptly leaving a facility or abruptly taking leave time), may be deemed to have refused to submit to a search.

I. ARRESTS OR CONVICTIONS

Due to the special nature of the relationship between a staff person and offenders, as well as a staff person's duty to serve as a role model for offenders and the public, the arrest or conviction of a staff person for any crime or infraction may be grounds for disciplinary action. The Department is committed to providing the public with qualified staff persons who possess good character and standards.

Staff members receiving citations for traffic violations while in a State vehicle or conducting Department business shall report the citation to their immediate supervisor. Sanctions imposed for the violation of traffic rules and regulations shall be the responsibility of the staff member. Violations of traffic rules and regulations may be cause for disciplinary action in accordance with State Personnel Department rules.

The Department fully supports the State's policy on Arrests and Convictions which is located at the following link:

Policy Statement: <http://www.in.gov/spd/files/acpolicy.pdf>

Responsibilities and Procedures: <http://www.in.gov/spd/files/acrandp.pdf>

J. DERELICTION/NEGLECT OF DUTY

Staff is required to remain awake, alert and devote their full attention to their assigned duties and areas of responsibility during working hours. A staff person is required to fully perform his/her job duties and to give appropriate attention to the performance of any assigned duty. An act or omission of a staff person indicating neglect of his/her assigned job duties or for the safe and proper care and control of offenders will be considered dereliction/neglect of duty.

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Staff assigned to a post or a duty that involves the supervision of offenders shall not leave the post or duty assignment until properly relieved unless the staff person receives proper authorization to do so. A staff person is expected to remain on-duty for their entire shift or work assignment unless properly authorized to leave that shift or assignment.

Examples of Dereliction/Neglect of Duty include, but are not limited to: sleeping on-duty; failure to take appropriate action on an act or condition deserving attention; losing or misplacing Department property, equipment, or resources, including keys and weapons; losing or misplacing Department information, records, or documents; playing games, watching television, or movies, using a computer or electronic device for any purpose other than that which has been approved, or otherwise engaged in entertainment while on-duty unless properly authorized; engaging in any activities or personal business which would cause neglect or inattention to duty; unauthorized absence without leave; engaging in unnecessary or unauthorized radio transmissions; failure to report to duty at the time and place designated; unnecessary absence from one's post or assignment during a work shift; and the failure to be knowledgeable of and to strictly adhere to the Standards of Conduct and any and all other standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department.

K. USE OF SLANG, GESTURES OR OTHER DEROGATORY REFERENCES

Staff shall perform assigned job duties in a professional manner and shall respond to questions from others in a polite and courteous manner. A staff person shall not use, make, or display any coarse, obscene, indecent, vulgar, profane, insulting, rude, abusive, derogatory, inflammatory, or potentially inflammatory language, gestures, or images to or about other staff persons, offenders, offenders' families, or the public. Staff shall not use, make, or display any offensive language, gestures, or images concerning race, color, religion, national origin, ancestry, age, sex, disability, or veteran status.

Staff shall be courteous, considerate, prompt, and respectful when interacting with the public, other staff persons, and offenders. Staff shall be tactful in the performance of assigned duties, shall control their tempers, and shall exercise patience and discretion. A staff person is

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strictly prohibited from fighting or quarreling with another staff person or a member of the public while on-duty.

Staff shall refer to offenders by first name or surname and shall refer to other employees by rank designation or title (Mr. Mrs., Ms., Miss, Dr. etc.) and first name or surname.

Staff shall not wear any visible article of clothing or possess any item on-duty that contains coarse, obscene, indecent, vulgar, profane, insulting, rude, abusive, derogatory, inflammatory, or potentially inflammatory language, gestures, or images concerning race, color, religion, national origin, ancestry, age, sex, disability, or veteran status.

Staff who have tattoos which display offensive language or images shall be required to cover these tattoos either with clothing (e.g., long sleeved shirt) or another suitable covering which does not draw undue attention on the staff person while they are on duty. Examples of tattoos considered inappropriate or offensive include, but are not limited to tattoos that contain coarse, obscene, indecent, vulgar, profane, insulting, rude, abusive, derogatory, inflammatory, or potentially inflammatory language, gestures, or images concerning race, color, religion, national origin, ancestry, age, sex, disability, or veteran status.

Staff shall not drive on-grounds or park at a facility in a personal vehicle that displays offensive language, gestures, or images concerning race, color, religion, national origin, ancestry, age, sex, disability, or veteran status.

Staff who wears an article of clothing in violation of this Standard, or who drives or parks in a personal vehicle that violates this Standard, may be ordered to immediately correct the violating conduct in an appropriate manner. Additionally, a staff person who violates this Standard will be subject to disciplinary action in accordance with the severity of the misconduct.

L. CONFIDENTIALITY

Certain information maintained by the Department is considered confidential. Staff shall not release any information concerning other staff persons, offenders, the Department, or the State without proper authorization. Staff is prohibited from engaging in discussions pertaining to the operations and official business of the Department which are of a

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confidential nature with any person outside the Department without the permission of a facility appointing authority or designee. Staff shall ensure, prior to releasing any information, that all appropriate laws, rules, policies/procedures of the State and/or the Department are being followed.

M. REPORTING

Staff shall submit true, accurate, legible and appropriate reports in a timely manner when required to do so by Department policies/procedures or by supervisory staff. Staff shall not knowingly nor intentionally convey false information to other persons regarding themselves, other employees, offenders or the operation of the Department. Staff shall not knowingly or intentionally enter or cause to be entered any inaccurate, false, or improper information into any Department books, records, reports, or documents.

A staff person or applicant for Department or State employment shall not falsify a Department or State employment application, or in any way lie or submit false documents during the hiring process. If at any time after employment of a staff person it is discovered that a staff person has violated this Standard, the staff person shall be subject to disciplinary action in accordance with the severity of the misconduct.

Staff shall promptly report to the facility appointing authority or designee all crimes, potential crimes, suicides, attempted suicides, fires, accidents and all happenings, complaints and other information of Department interest which may come to the staff person's attention. Staff shall promptly report any "tips" or other information to designated staff.

N. LICENSES

Staff whose duties include the operation of Department vehicles shall maintain a valid and current Operator/Driver's License or, if required, a Commercial Driver's License, and shall immediately report the loss or suspension of the license to the facility appointing authority or designee. Staff is strictly prohibited from operating a Department vehicle without being properly authorized to do so and without possessing a valid and current Operator Driver's License or, if required, a Commercial Driver's License. Staff shall present a copy of a current license to the immediate supervisor or designated staff and shall be responsible for ensuring that the license is renewed whenever required.

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Staff whose employment position requires possession of a valid and current professional or other license (such as an attorney, doctor, nurse, teacher, etc.), shall possess and maintain a valid and current required license, and shall immediately report the loss or suspension of the license to the facility appointing authority or designee. Staff is strictly prohibited from engaging in employment duties that require possession of a valid and current professional or other license without being properly authorized to do so and without possessing a current and valid required license. Staff shall present a copy of the current and valid license to the immediate supervisor or designated staff. It shall be the responsibility of the staff person to ensure that the license is kept current and renewed as required by law.

Teachers and licensed staff in the Division of Education shall follow the procedures for providing proof of possession of a current license as provided in the administrative procedures for Policy 01-01-101 and Policy 01-01-103.

Duties requiring a valid license cannot be performed by a staff person who does not hold a valid license at the time the duties are performed. Staff persons whose licenses are permanently revoked or suspended for an indefinite time period will be reassigned to a position not requiring such license, or employment will be terminated in accordance with all the circumstances.

O. SEXUAL MISCONDUCT

Staff is strictly prohibited from engaging in any type of sexual misconduct in a facility or on or in property controlled by the Department. Staff is strictly prohibited from engaging in any type of sexual act while on-duty. A staff person is strictly prohibited from engaging in any type of sexual act with or in the presence an offender. A staff person who violates this Standard will be dismissed from employment. The Department will not accept as a defense to a disciplinary action that a sexual act was consensual.

Indiana Code 35-44.1-3-10 states a staff person who knowingly or intentionally engages in sexual intercourse or deviate sexual conduct with an offender commits sexual misconduct, a Class D felony. The Department will aggressively pursue criminal prosecution of a staff person who violates Indiana Code 35-44.1-3-10.

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P. CIVIL, CRIMINAL, AND ADMINISTRATIVE MATTERS

Staff shall comply with an order to appear and testify before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry. A staff person who receives an order to give a deposition, affidavit, or appear as a witness in a civil, criminal, or administrative matter stemming from the staff person's official Department duties shall advise the facility appointing authority or designee as soon as possible after the order is received.

Staff is not to give testimony on behalf of or as a character witness for any offender in a civil, criminal, or administrative proceeding without the prior written consent of the facility appointing authority or designee. This standard does not prevent a staff person from preparing a progress report in accordance with statute and Department policies and procedures.

Q. INFORMATION, RECORDS, AND DOCUMENTS

Staff is not to engage or attempt to engage or to allow another person to engage or attempt to engage in the following conduct: improperly using (including personal use), accessing, damaging, destroying, losing, stealing, selling, trading, giving, removing, duplicating, concealing, withholding, falsifying, forging, or otherwise disposing of, tampering with, or altering information, records, or documents of the Department, a staff person, an offender, a member of the public, and/or the State.

Unless otherwise authorized, a staff person shall immediately report in writing to the facility appointing authority or designee any and all violations of this Standard. A staff person shall submit a written report which contains all known facts surrounding the cause and nature of any and all violations of this Standard.

Staff shall return all information, records, or documents of the Department, a staff person, an offender, a member of the public, and/or the State when they retire, resign, or otherwise leave the Department, and shall return all information, records, or documents of the Department, a staff person, an offender, a member of the public, and/or the State when ordered to do so because of suspension, dismissal, or other absence from work. Staff and former staff shall be responsible for all costs of litigation, including attorney fees, if the State and/or Department institutes legal action for the recovery of information, records, or documents of the

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Department, a staff person, an offender, a member of the public, and/or the State.

The Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such a former employee has applied for work, in accordance with United States Department of Justice (DOJ) published standards associated with the Prison Rape Elimination Act (PREA).

R. PROPERTY, EQUIPMENT, AND RESOURCES

A staff person is to comply with the terms and conditions of the SF 54986, "Staff Uniform Responsibility Form," the Information Resource User Agreement (IRUA) and any other standard, rule, regulation, policy, procedure, directive, written or verbal order, agreement, responsibility, or condition of employment relating to Department and/or State property, equipment, or resource.

Staff shall use Department and/or State property, equipment, and resources only for intended purposes. All Department and/or State property, equipment, and resources issued to staff or to which staff has access shall be maintained in proper order and returned upon request.

Staff shall be trained and authorized in the use of any Department and/or State property, equipment, or resource. Staff shall use Department and/or State property, equipment, and resources in accordance with law and established Department and/or State procedures. Staff shall not use or handle Department and/or State property, equipment, and resources in a careless or imprudent manner.

Unless otherwise authorized, Staff shall immediately report in writing to the facility appointing authority or designee any and all improper uses of State and/or Department property, equipment or resources.

Staff shall return all property, equipment, and resources owned by the Department and/or the State when they retire, resign, or otherwise leave the Department, and shall return all property, equipment, and resources when ordered to do so because of suspension, dismissal, or other absence from work. Staff and former staff shall be responsible for all costs of litigation, including attorney fees, if the Department or the State institutes

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legal action for the recovery of Department, State, offender, or staff person property, equipment, resources, or the replacement or repair costs thereof.

S. CONDUCT UNBECOMING STAFF

Staff must conduct themselves at all times, both on and off duty, so as to reflect favorably on the Department. Conduct which reflects unfavorably on the Department is conduct which may negatively impact the safety and security of the Department, a facility, a staff person, an offender, a member of the public, or which has a tendency to destroy confidence in the operation of the Department.

Unbecoming conduct may lead to disciplinary action. Examples of behavior that would constitute unbecoming conduct include, but are not limited to, a violation of any standards, rules, regulations, policies, procedures, directives, written or verbal orders, agreements, responsibilities, or conditions of employment of the State and/or the Department, and:

1. Conduct endangering the safety of the staff person or other staff persons;
2. Overbearing, oppressive, or tyrannical conduct in discharge of duty;
3. Neglect of duty;
4. Acts of incompetence;
5. Discourtesy or insolence;
6. Unauthorized destruction of property;
7. Gambling while on state property or while on duty;
8. Participating in, threatening, or encouraging any strike, slowdown, work stoppage, or any other interruption or interference with the activities of the Department; and,
9. Any conduct that would interfere with the staff person's ability or fitness to effectively perform required duties.

signature on file

Bruce Lemmon
Commissioner

Date